



**UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/715,439	09/18/96	MINER	M

JOSEPH A FENLON  
ONE METROPLITAN SQUARE #2920  
ST LOUIS MO 63102

35M1/0211

EXAMINER	
PITTS, A	
ART UNIT	PAPER NUMBER
3502	3

DATE MAILED: 02/11/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

*See the attached Office action.*

# Office Action Summary

Application No.

08/715,439

Applicant(s)

MINER

Examiner

Andrea L. Pitts

Group Art Unit

3502



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Sep 18, 1996 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

This is a first Office action on application number 08/715,439 filed 9-18-96.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 80, 92 and 102.

Correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 47 (Figures 14, 16 and 17). Correction is required.

The drawings are objected to because 1) Figures 7 and 8 have a lead line missing for reference sign "40", 2) Figure 10 has a lead line missing for reference sign "66", 3) in Figure 13 "102" should be "106" and 4) in Figures 14, 16 and 17 the lead line is missing for reference sign "47." Correction is required.

#### ***Claim Rejections - 35 USC § 112***

Claims 1-3, 5-8, and 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claims 1-3, there is no recognizable preamble which renders the scope of the claim indefinite.

In claims 5, 6, 7 and 8, it is unclear how a wall in the chamber, which is in the yoke, can abut a wall on the yoke therefore making the scope of the claim indefinite. Should the first annular wall be on the pawl as oppose to the chamber since the first and second walls are in abutment for transferring all of the moving power applied to the yoke to the pawl?

In claims 10, 11 and 12, should "chambers" be changed to --chamber--?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 5, 9, 10, 13 and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Darrah et al. 5,450,773.

Please note Figures 5-7 which clearly show the pawls 86 each located in a cylindrical chamber 87 and the extension arms 89 on the pawls located in slots/chambers 88, wherein the pawl abuts the wall of the slot.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, 11, 12, 15 and 16 are, as best understood, rejected under 35

U.S.C. 103(a) as being unpatentable over Darrah et al. 5,450,773 in view of Haist 2,107,568.

Darrah et al. discloses a power tool having all of the features as set forth in applicant's claims except for a pawl having multiple teeth.

Haist discloses a reversible ratchet wrench having pawls 28 and 28a which have multiple teeth thereon for engagement with a gear member 14 such that the teeth on the pawl engage adjacent teeth on the gear. Furthermore, Haist discloses the teeth on each pawl to be of different sizes for preventing the pawls from disengaging from the gear.

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to modify the pawl member in Darrah et al.'s device by employing multiple different size teeth on each pawl as taught by Haist for the purpose of increasing the strength of the ratchet and for providing quicker engagement between the pawl and gear (see page 2, col. 1, lines 42-75, col. 2, lines 1-6).

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kitagawara 5,269,195; Haider 5,328,241; Olson 581,427; Gagne 2,020,883; Cox 2,143,121, Kress 2,407,558; Rueb 2,744,432 and Able 2,773,574 all disclose ratchet mechanisms having similar characteristics as set forth in applicant's present invention. Specifically, Kress and Rueb show pawl members spring biased into engagement with the gear and seated against a flat wall in a chamber in the yoke when not in the engaged condition. Also Kress and Rueb show the feature of multiple teeth on each pawl member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea L. Pitts whose telephone number is (703) 308-2159.

  
ANDREA L. PITTS  
PRIMARY EXAMINER  
GROUP 3500

alp

February 5, 1997